

**Representative J. Morgan Philpot** proposes the following substitute bill:

**PROHIBITION OF PUBLIC FUNDING FOR**

**ABORTION**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Curtis S. Bramble**

|    |                     |                     |                      |
|----|---------------------|---------------------|----------------------|
| 6  | Gregory S. Bell     | Thomas V. Hatch     | L. Alma Mansell      |
| 7  | Leonard M. Blackham | Parley G. Hellewell | Howard A. Stephenson |
| 8  | Curtis S. Bramble   | John W. Hickman     | David L. Thomas      |
| 9  | D. Chris Buttars    | Lyle W. Hillyard    | John L. Valentine    |
| 10 | Dan R. Eastman      | Scott K. Jenkins    | Michael G. Waddoups  |
| 11 | Beverly Ann Evans   | Sheldon L. Killpack | Carlene M. Walker    |
| 12 | James M. Evans      | Peter C. Knudson    | Bill Wright          |
| 13 | David L. Gladwell   |                     |                      |



**LONG TITLE**

**General Description:**

This bill modifies the offenses against the family section of the Utah Criminal Code.

**Highlighted Provisions:**

This bill:

- ▶ prohibits the state and political subdivisions from using public funds for the performance of an abortion; and
- ▶ provides a penalty for anyone who knowingly authorizes the use of public funds for an abortion.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **76-7-324**, as last amended by Chapter 50, Laws of Utah 1988

31 ENACTS:

32 **76-7-326**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **76-7-324** is amended to read:

36 **76-7-324. Violation of restrictions on public funds for contraceptive or abortion**  
37 **services as misdemeanor.**

38 Any agent of a state agency or political subdivision, acting alone or in concert with  
39 others, who violates Section 76-7-322 [or], 76-7-323, or 76-7-326 is guilty of a class B  
40 misdemeanor.

41 Section 2. Section **76-7-326** is enacted to read:

42 **76-7-326. Public funding of abortion forbidden.**

43 (1) As used in this section, "damage to a major bodily function" refers only to injury or  
44 impairment of a physical nature and may not be interpreted to mean mental, psychological, or  
45 emotional harm, illness, or distress.

46 (2) Public funds of the state, its institutions, or its political subdivisions may not be  
47 used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility  
48 for the performance of any induced abortion services unless:

49 (a) in the professional judgment of the pregnant woman's attending physician, the  
50 abortion is necessary to save the pregnant woman's life;

51 (b) the pregnancy is the result of rape or incest reported to law enforcement agencies,  
52 unless the woman was unable to report the crime for physical reasons or fear of retaliation; or

53 (c) in the professional judgment of the pregnant woman's attending physician, the  
54 abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily  
55 function of the pregnant woman provided that a caesarian procedure or other medical  
56 procedure that could also save the life of the child is not a viable option.

57 (3) Any officer or employee of the state who knowingly authorizes the use of funds  
58 prohibited by this section shall be dismissed from that person's office or position and the

59 person's employment shall be immediately terminated.